IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 32538 of 2006(W)

PETITIONER:

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1. M/S.COCHIN BEARING CENTRE,
   JUDGES AVENUE, KALOOR, COCHIN-17,
   REPRESENTED BY ITS MANAGING PARTNER,
   P.M.MOHAMMED SALIM.

2. P.M.MOHAMMED SALIM,
   MANAGING PARTNER, M/S.COCHIN BEARING CENTRE,
   JUDGES AVENUE, KALOOR, COCHIN-17, NOW RESIDING
   AT ASWATHY APARTMENT, FLAT NO.B1, PALARIVATTOM,
   COCHIN-25.

3. P.M.MOHAMMED SANIL,
   S/O.P.M.MOHAMMED SALIM, ASWATHY APARTMENT,
   FLAT NO.B1, PALARIVATTOM, COCHIN-25.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY

RESPONDENTS:

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1. CONSUMER DISPUTES REDRESSAL FORUM,
   1/593-A, AYYANTHOLE, THRISSUR-680 003.

2. ABDUL SALAM, AGED 57 YEARS,
   S/O.MOIDU HAJI, KADAMBOTT HOUSE,
   EDAVILANG, KARA, KODUNGALLUR.

R1 BY G.P. SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 32538 OF 2006

Dated this the 7th day of December, 2006

JUDGMENT

W.P. is filed to quash the complaint filed by second respondent before the Consumer Disputes Redressal Forum, Trichur on the ground that the complaint is not maintainable. I do not think there is any need for this Court to consider the issue because if counter petitioners take a stand that complaint is not maintainable before the CDRF, the CDRF will consider the said question as a preliminary issue and only if complaint is found maintainable, complainant should be allowed to adduce evidence in the matter and pursue the complaint. In the circumstances, W.P. is disposed of directing the petitioners to raise preliminary objection against maintainability of complaint before the first respondent and if the petitioners raise preliminary objection, there will be direction to the first respondent to hear the petitioners and second respondent and decide the said issue first and proceed only if complaint is maintainable.

(C.N.RAMACHANDRAN NAIR)
Judge